IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Bail Appl..No. 5501 of 2007()

[CRIME NO.105/2007 OF TIRUR POLICE STATION]

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PETITIONER/ACCUSED NO.7

VINEESH,S/O,MOHANAN, AGED 20/07,
THOTTIYATTIL HOUSE,THRIKKANDIYOOR AMSOM,
MUTHOOR DESOM.

BY ADV. SRI.S.RAJEEV

RESPONDENT: STATE

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM
(CRIME NO. 105 OF 2007 OF TIRUR POLICE STATION)

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5501 of 2007

Dated this the 19th day of September, 2007

ORDER

Application for regular bail. The petitioner is the 7th accused. Altogether there are 12 accused persons. They face allegations, inter alia, under Sections 302 and 120 B I.P.C. The petitioner, allegedly belongs to the R.S.S. There was a harthal called by the R.S.S. The deceased, a person, who allegedly belonged to the N.D.F resisted the call for harthal and wanted to drive his autorickshaw on the harthal day. On account of this animosity, the victim was allegedly attacked by the accused persons, who had conspired to unleash such murderous attack on the deceased. The incident took place on 31.01.07. The petitioner was arrested long later on 3.8.07. Investigation is in progress. Final report has not been filed so far. Some of the co-accused who had already been arrested have been released on bail. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He has been brought into the array of accused only because of political animosity. Even allegedly the petitioner did not take part in the actual occurrence.

2. The learned Public Prosecutor opposes the application. The allegations are serious. There are circumstances which show that

the petitioner was one of the conspirators. The petitioner was arrested on 03.08.07. It is true that some other accused who were already arrested had been released on bail. But at any rate the petitioner who was arrested only on 3.08.07 does not deserve to be enlarged on bail. The investigator in a serious crime like this may be given further to complete the investigation, submits the learned Public Prosecutor .

3. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I agree that the investigator deserves to be granted some further time to complete the investigation.

4. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation - not, at any rate, prior to 03.10.07. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-